

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§19-1410.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “Catastrophic health emergency” means a health emergency with regard to which the Governor issues a proclamation under § 14-3A-02 of the Public Safety Article.

(3) “Compassionate care visitor” means a family member or legal guardian of a resident or any individual who is important to the mental, physical, or social well-being of the resident during critical situations including the end of the resident’s life, the significant mental or physical decline of the resident, or when exigent circumstances exist regarding the resident.

(4) “COVID-19” means, interchangeably and collectively, the coronavirus known as COVID-19 or 2019-nCoV and the SARS-CoV-2 virus.

(5) “Personal care visitor” means a family member or legal guardian of a resident who is important to the mental, physical, or social well-being of the resident.

(b) (1) Consistent with federal requirements, the Department shall develop guidelines relating to the restrictions on visitation that a nursing home may impose to reduce the spread of COVID-19 or another disease that constitutes a catastrophic health emergency.

(2) The guidelines shall:

(i) Describe the circumstances under which visitation may be restricted to only compassionate care visitors and personal care visitors;

(ii) Limit the movement of visitors within the nursing home, which may include restricting visitors to the resident’s room or another designated room;

(iii) Require each visitor to follow safety protocols to limit the spread of COVID-19 or another disease that constitutes a catastrophic health emergency, which may include:

1. Testing for COVID–19 or another disease that constitutes a catastrophic health emergency;

2. Checking body temperature;

3. Health screenings;

4. The use of personal protective equipment;

5. Social distancing; and

6. Any other safety protocol that the Department considers appropriate to limit the spread of COVID–19 or another disease that constitutes a catastrophic health emergency in a nursing home;

(iv) Require, as practicable and when available, alternative means of communication with visitors if a nursing home determines that an in–person visit would endanger the health and safety of a patient, resident, or member of the staff; and

(v) Provide additional guidance necessary to promote access to residents by compassionate care visitors.

(3) In addition to the requirements in paragraph (2) of this subsection, the guidelines regarding personal care visitation shall:

(i) Establish procedures for the designation of a personal care visitor by a resident or a legal representative of the resident that:

1. May include requiring a health care professional to determine whether a personal care visitor is necessary for the mental, physical, or social well–being of the resident; and

2. If a determination is required, authorize the determination to be made by a health care professional who is not affiliated with the nursing home;

(ii) Provide that a resident may designate not more than one personal care visitor;

(iii) Establish procedures for changing the designation of a resident’s personal care visitor;

(iv) Require a personal care visitor to waive a nursing home from liability for exposure to COVID-19 or another disease that constitutes a catastrophic health emergency;

(v) Establish the circumstances under which visitation by a personal care visitor may be limited, suspended, or terminated, including increased local infection rates and health care capacity;

(vi) Establish standards for the frequency and duration of personal care visits; and

(vii) Establish the total number of personal care visitors authorized to visit a nursing home facility at any one time.

[\[Previous\]](#)[\[Next\]](#)